

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Anna Steel	Team: Team # 8	CCRB Case #: 201000010	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/01/2010 4:01 AM	Location of Incident: Tompkins Avenue and Myrtle Avenue	Precinct: 79	18 Mo. SOL 7/1/2011	EO SOL 7/1/2011	
Date/Time CV Reported Fri, 01/01/2010 5:22 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 01/01/2010 5:22 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Delvalle	06206	936463	079 PCT
2. SGT William Glynn	00034	932718	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Iovine	11215	945212	079 PCT
2. POM Elijah Austin	14275	944338	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Delvalle	Abuse: PO Michael Delvalle stopped § 87(2)(b)	
B.POM Michael Delvalle	Abuse: PO Michael Delvalle frisked § 87(2)(b)	
C.POM Michael Delvalle	Abuse: Michael Delvalle refused to provide his name or shield number to § 87(2)(b)	
D.SGT William Glynn	Discourtesy: Sgt. William Glynn spoke obscenely to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed a complaint with the CCRB by phone on January 1, 2010 (encl. 3a – 3b).

On January 1, 2010, at 4:00 AM, PO Michael Delvalle and Sgt. William Glynn of the 79th Precinct approached § 87(2)(b) at 94 Tompkins Avenue in Brooklyn. The following allegations resulted.

- **Allegation A – Abuse of Authority:** PO Michael Delvalle stopped § 87(2)(b)
- **Allegation B – Abuse of Authority:** PO Michael Delvalle frisked § 87(2)(b)
- **Allegation C – Abuse of Authority:** PO Michael Delvalle refused to provide his name and shield number to § 87(2)(b)
 - § 87(2)(g)
- **Allegation D – Discourtesy:** Sgt. William Glynn spoke obscenely to § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) black male who is 5'8" tall, weighs 215, and has black hair.

§ 87(2)(b) was interviewed at the CCRB on January 15, 2010 (encl. 4a – 4d). On January 1, 2010, at about 4:00 AM, § 87(2)(b) went to a 24-hour store located at 94 Tompkins Avenue in Brooklyn. A group of males were drinking from a bottle of beer on the sidewalk. Officers, identified through the investigation as PO Michael Delvalle and Sgt. William Glynn from the 79th Precinct, responded to the scene. PO Delvalle told the males to stand against a wall. He approached § 87(2)(b) and told him to do the same (**Allegation A**). § 87(2)(b) asked why. PO Delvalle grasped his elbow and pushed him against the store's façade (**Within Allegation A**). § 87(2)(b) turned his head and saw the last digits of PO Delvalle's name, which he believed were "ille." PO Delvalle patted § 87(2)(b) over his chest, waistband and pants (**Allegation B**). § 87(2)(b) requested his name and shield number. PO Delvalle said he would get this information later, but never provided it (**Allegation C**). Sgt. Glynn approached him during the search. § 87(2)(b) told the officers he intended to file a complaint. Sgt. Glynn said he was a 'pussy,' a 'faggot' and a 'sissy' for wanting to do so (**Allegation D**). In his complaint to the CCRB, § 87(2)(b) contrastingly said Sgt. Glynn responded he didn't care. § 87(2)(b) could not recall what Sgt. Glynn said exactly, but did not respond to him. At the end of the frisk, PO Delvalle told § 87(2)(b) to keep his hands on the wall while he checked his name. § 87(2)(b) followed the officers to their vehicle and recorded their license plate number as § 87(2)(e), § 87(2)(b) as they left the scene. § 87(2)(b) said that he was in the process of filing a civil suit against the officers.

Canvas of Incident Location

A canvas of the incident location was conducted on February 9, 2010 (encl. 4e). There were no cameras outside the store at 94 Tompkins Avenue. The investigator spoke with an employee, who refused to identify himself, who said he was working on January 1, 2010. He stated that on December 31, 2010, at about 9:00 PM, a black male stole a bottle of beer and punched an employee who tried to stop him. The employee called 911 and officers responded several hours later. The employee believed

the officers arrived at about 4:00 AM. He did not see them interact with anyone outside the store. He stated that none of their video cameras depicted what occurred outside the store on the sidewalk.

NYPD Statement(s):

Subject Officer: PO MICHAEL DELVALLE

- *PO Delvalle is a 31-year-old Hispanic male of light complexion who is 6' tall, weighs 175 pounds, and has brown hair and brown eyes.*
- *On the day of the incident, PO Delvalle was assigned to anti-crime and worked from 7:30 PM to 5:05 AM, in uniform and in an unmarked vehicle whose number was § 87(2)(b).*

CCRB TESTIMONY

PO Delvalle was interviewed at the CCRB on March 9, 2010 (encl. 6a – 6b). PO Delvalle did not have an independent recollection of the incident. He was familiar with the incident location § 87(2)(b). PO Delvalle did not recall stopping or frisking someone of § 87(2)(b)'s description. He did not recall anyone requesting his name or shield number, nor did he recall refusing to provide this information. PO Delvalle did not hear any of his partners refer to anyone as a 'pussy,' 'faggot,' or 'sissy.'

Subject Officer: SGT. WILLIAM GLYNN

- *Sgt. Glynn is a § 87(2)(b)-old white male who is 6'1" tall, weighs 220 pounds, and has brown hair.*
- *On the day of the incident, Sgt. Glynn held the same assignment as PO Delvalle.*

CCRB Testimony

Sgt. Glynn was interviewed at the CCRB on March 29, 2010 (encl. 8a – 8b). Sgt. Glynn did not have an independent recollection of an incident. Sgt. Glynn stated that he did not refer to anyone as a 'pussy,' 'faggot,' or 'sissy' on the day of the incident.

NYPD Document(s)

79th Precinct Roll Call

- According to the roll call (encl. 14a – 14b), Sgt. Glynn and PO Delvalle were assigned to vehicle number 231.

79th Precinct Daily Vehicle Assignment Sheet

- According to the daily vehicle assignment sheet (encl. 15), an unmarked vehicle with license plate number § 87(2)(e), § 87(2)(f) was assigned vehicle number § 87(2)(b).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of February 18, 2010, with regard to the incident (encl. 18).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Civilian(s) CCRB History

- [§ 87(2)(b)] has previously filed eight CCRB complaints, [§ 87(2)(b)]

Subject Officer(s) CCRB History

- PO Delvalle has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 1a).
- Sgt. Glynn has been a member of the service for six years. In CCRB case 200605789 a strip-search allegation was substantiated against him and command discipline was imposed. In CCRB case 200712972, a frisk allegation was substantiated against him and command discipline was recommended (encl. 1b – 1c).

Conclusion

Identification of Subject Officer(s)

- [§ 87(2)(b)] alleged that he was stopped and frisked by an officer who refused to provide his name and shield number to him upon request. He stated that the last four letters of this officer's name were 'ille' and that he was traveling in a vehicle whose license plate number was [§ 87(2)(e), § 87(2)(g)]
- [§ 87(2)(b)] alleged that a white male officer partnered with PO Delvalle referred to him as a 'pussy,' 'faggot,' and 'sissy.' [§ 87(2)(g)]

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Michael Delvalle stopped [§ 87(2)(b)]

Allegation B – Abuse of Authority: PO Michael Delvalle frisked [§ 87(2)(b)]

Allegation C – Abuse of Authority: PO Michael Delvalle refused to provide his name and shield number to [§ 87(2)(b)]

[§ 87(2)(b)] alleged that PO Delvalle stopped him by grabbing his elbow and placing him against the store façade at 94 Tompkins Avenue. PO Delvalle then frisked him and refused to provide his name and shield number to him upon request. PO Delvalle did not recall the incident. During a canvass of the incident location (encl. 4e), the investigator spoke with an employee who was working

at the time of the incident. The employee reported that the store had been robbed by a black male at about 9:00 PM on December 31, 2009, and that officers had responded to the scene around the time of the incident. § 87(2)(g)

Allegation D – Discourtesy: Sgt. William Glynn spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Glynn called him a ‘pussy,’ a ‘faggot,’ and a ‘sissy,’ after § 87(2)(b) told the officers of his intention to file a complaint about the incident. Sgt. Glynn had no recollection of the incident, but stated that he never referred to § 87(2)(g) in this manner on the day of the incident. PO Delvalle corroborated his testimony. § 87(2)(g)

§ 87(2)(b) In his complaint to the CCRB (encl. 3a – 3b), § 87(2)(b) explained that when he told the officers he intended to file a complaint, Sgt. Glynn replied that he didn’t care. § 87(2)(b) did not mention the use of profanity or discourteous language in his initial complaint. In his interview with the CCRB (encl. 4a – 4d), § 87(2)(b) acknowledged that he did not recall what Sgt. Glynn said to him exactly. § 87(2)(g)

Team: _____

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Investigator: _____	_____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date